

Exhibit "C" "During in relation to" prong.

Motion to suppress pg.26,47,48

S.H

1 A. Yes, ma'am.

2 Q. On how many occasions, to your knowledge?

3 A. Within the last couple of weeks leading up to this, at least
X3 six or seven times. Within the last three months, at least 30
X4 times.

5 Q. Could you please tell the Court what different circumstance
6 occurred on December 6th, 2002, that caused you to approach
7 Mr. Jefferson and the fact that you did not on the other
8 occasions?

9 A. On the other occasions, at that particular business there
10 was never no one in the business. It was never open. There w
11 never cars in front or persons inside the business. On that
12 particular occasion, what led to us making contact with
13 Mr. Jefferson is that -- his pulling up in the vehicle, getti
14 into the one car, seeing us, and not getting in that car and
15 trying to make it to a second car. Went to Mr. Jefferson.
16 Tried to approach Mr. Jefferson. He wouldn't let us approac
17 him by trying to get to the vehicle. If he had have fled t
18 other direction or -- you know, it may have been different.
19 he tried to make it to the vehicle, which based on officer
20 safety and, you know, the history of Mr. Jefferson's -- the
21 history I knew of Mr. Jefferson, we made contact with him.

22 Q. Is it your testimony of the 30 times that surveillance

23 place you never saw Mr. Jefferson?

24 A. Not at that business.

S.y./

1 A. I want to say it was probably about two or three years old.
2 Maybe not that old. A young baby, because I found -- I
3 photographed baby items I saw at the house, diapers, bottles.

4 THE COURT: Relevance, Counsel?

5 MS. REDMOND: It's beyond the scope of my question.

6 THE COURT: Move on.

7 MS. REDMOND: Thank you. Nothing further for this

8 witness.

9 THE COURT: Ms. Cooper?

10 MS. COOPER: Yes, ma'am.

11 CROSS-EXAMINATION

12 BY MS. COOPER:

13 Q. Agent Price, you had indicated in your testimony that you
14 had been part of a previous surveillance of Mr. Jefferson; is
15 that correct?

16 A. Yes, ma'am.

17 Q. On how many occasions did you surveil Mr. Jefferson?

18 A. The business or the residence?

19 Q. Him personally.

20 A. We had been by -- I hadn't actually seen Mr. Jefferson
21 personally. We tried to make a drug buy one time, and he
22 at the residence. And then we had been by the business se
23 several times.

24 Q. So this incident at Head to Toe was the first time you
25 your officers had actually made physical contact with him

31

1 A. Yes, ma'am.

2 Q. Do you have any personal knowledge of any confidential
informants who had given information to you about Mr. Jefferson?

3 A. Sergeant Franklin with the Russell County Sheriff's

4 Department --

5 Q. I'm asking you. Do you have any personal contact or

6 information that a confidential informant gave personally to

7 you?

8 A. Yes, ma'am. What I was saying was Sergeant Franklin turned
9 an informant over to us to try to make a buy from Mr. Jefferson

10 Q. Was that successful?

11 A. No.

12 Q. And did you talk with that informant?

13 A. Yes, ma'am, I did.

14 Q. Do you see the picture on the screen that has been admitted
15 into evidence?

16 A. Yes, ma'am, I do.

17 Q. According to the testimony of Mr. Whitten, the vehicle --
18 THE CLERK: Use your finger --

19 MS. COOPER: I'm sorry.

20 THE CLERK: -- on the screen. Just put your finger
21 the screen.

22 MS. COOPER: I apologize.

23 Q. According to Mr. Whitten's testimony -- I've got an arrow
24 there. It may not be exactly correct. But in that vicinity